

COUNCIL PROCEEDINGS FOR JULY 26, 2004

Meeting called to order at 7:00 P.M. by Mayor Carpenter.

Pledge of Allegiance led by Councilmember Navock.

PRESENT: Mayor Laura Carpenter; Councilmembers –Pat Jacobson, Eugene Navock, Jo Ann Potts; City Clerk Christine Lee, Interim City Manager Frank Lukacs, City Attorney Gerard Garno.

ABSENT: Councilwoman Julie Miller

FILL VACANT COUNCIL POSITION:

Mayor Carpenter informed council that she had received a letter of resignation from Christine Lee, City Clerk effective July 26, 2004.

Moved by Lukacs, second by Navock to accept resignation from Christine Lee, City Clerk effective July 26, 2004. Motion carried.

Moved by Lukacs, second by Navock to appoint Kelly Pavel as City Clerk.
ROLL CALL VOTE: Jacobson-Yes, Novack-Yes, Potts-Yes, Lukacs-Yes. 4-Yes, 0-No, 1-Absent, 0-Abstain. Motion Carried.

Deputy Clerk David R. VanCura swore in Kelly Pavel as City Clerk.

Moved by Lukacs, second by Novack to appoint Christine Lee to the city council seat that was made vacant by the resignation of Jason Nielsen. ROLL CALL VOTE: Jacobson-Yes, Novack-Yes, Potts-Yes, Lukacs-Yes. 4-Yes, 0-No, 1-Absent, 0-Abstain. Motion Carried.

City Clerk Kelly Pavel swore in Christine Lee as Councilwoman.

CORRECTION AND APPROVAL OF MINUTES:

Moved by Lukacs, second by Novack, to approve the minutes of the regular meeting of July 12, 2004 as corrected. Motion Carried.

CORRECTIONS:

1. Page 1 of 8, after absent listing, Lukacs request to go into two executive sessions, add “Upon the **advise (to read “advice”)** of the City Attorney, this was not done.” **Correction per 8/9/04 meeting.**
2. Page 2 of 8, last paragraph change (MCL 15.182) to read (MCL 15.18”3”) that states “in” a City under...
3. Page 3 of 8, paragraph 4 to read Art Potts stated that he believes in the City Council and what they are doing “regarding the City Manager” is right.
4. Page 3 of 8, #1 under Considerations, add “This closed session was requested by City Manager Darcy Long.
5. Page 4 of 8 first paragraph to read to go pas”t” the 9:00 hour
6. Page 4 of 8 second paragraph spelling correction from Lukasc to “Lukacs”
7. Page 5 of 8 paragraph 2 after Committee reports, strike the first “MCL 15.181 and” the second number set should read “MCL.15.183(4)c”.
8. Page 5 of 8 under first and second Roll Call Vote, add sentence stating “Pursuant to Section 2.13 of the City Charter.”
9. Page 6 of 8 under Attorney’s Report # 3 thes land purchase to read “the” land purchase.
10. Page 6 of 8 under Attorney’s Report #4 after colon add “Approved by City Attorney.”
11. Page 6 of 8 under Attorney’s Report #5 bring in outsiders to read, “bringing” in outsiders.
12. Page 7 of 8 under f. Delete Just burry them. Add, “It was suggested they be buried.”
13. All Roll Call votes within the July 12, 2004 minutes are to include “1-absent” due to the fact that Nielson was absent at this meeting.

PUBLIC HEARING:

7:15 PM: Variance Request – Edward & Lora Apley, 7062 Lincoln Street- to construct a pool deck.

Mayor Carpenter opened the Public Hearing at 7:15 PM.

No public questions or comments regarding the variance request.

Mayor Carpenter closed the Public Hearing at 7:18 P.M.

Moved by Potts, second by Navock to grant the non-use variance request from Edward and Lora Apley, 7062 Lincoln Street to construct a pool deck as presented due to practical difficulties. ROLL CALL VOTE: Lee-Yes, Jacobson-Yes, Navock-Yes, Potts-Yes, Lukacs-Yes. 5-Yes, 1-absent, 0-abstain. Motion carried.

PAY BILLS:

Jacobson questioned various attorney fees billed that pertained to city residents contacting Attorney Garno. Attorney Garno stated that he would gladly waive those charges at this time. He will further investigate their nature and charge at a later date if he feels they are justified.

Jacobson stated that a bill from the July 12, 2004 council meeting, to Ben's Supermarket in the amount of \$366.14, which was held for payment needs to be added to the general fund total for payment.

Moved by Jacobson, second by Navock, to pay the bills as presented in the following funds: General -\$26,418.58, Payroll - \$22,409.92, Sanitary Sewer - \$9,823.47, Major St. - \$0, Local St. - \$0, Investment - \$23,117.95. Motion Carried.

OLD BUSINESS:

1. Paul Czap – Storm water drainage will be covered in City Manager's report
2. Library Lease Agreement has been discussed with board. Council is awaiting a reply from the Library Board.

PUBLIC QUESTIONS AND COMMENTS:

Bill Walters questions residents calling the city attorney and the attorney billing the city. Mr. Walters suggests that if a policy does not currently exist one should be developed.

Jane Rowell from Emmett introduced herself to the City Council. She has recently applied for the vacant City Manager's position.

Larry Bullock asks for clarification in what constitutes a hardship when council is determining whether to grant a variance request.

PUBLIC HEARING:

7:30 PM: Ordinance Section 5700 – Sewer and Water Policy for Non-Resident Utility Service.

Mayor Carpenter opened the Public Hearing at 7:30 PM.

Bill Walters questions the council on any research that has been conducted regarding city's current lagoon situation and capacity before allowing non-resident tap-ins. Mr. Walters stated that past attorneys Drillock and Zimmerman advised past councils to not allow non-residents to tap into city water and sewer. Mr. Walters also raised the point that future repairs and/or replacement of lagoon would be the burden of city taxpayers and not affect non-residents who were tapped into the system.

Mayor Carpenter closed the Public Hearing at 7:35 P.M.

Attorney Garno stated that Mr. Walter's suggestion did seem to constitute investigation into the city's current lagoon system status.

Moved by Lee, second by Navock to table Ordinance Section 5700-Sewer and Water Policy for Non-Resident Utility Service and send back to committee.
ROLL CALL VOTE: Lee-Yes, Jacobson-Yes, Navock-Yes, Potts-Yes, Lukacs-Yes. 5-Yes, 1-absent, 0-abstain. Motion carried.

Deputy Clerk David VanCura reminded the Mayor that Mr. & Mrs. Apley would need to file a new pre-application building permit to construct their pool deck now that their variance had been granted.

PUBLIC HEARING:

7:45 PM: Application for Industrial Facilities Tax Exemption Certificate – Llink Technologies, LLC.

Mayor Carpenter opened the Public Hearing at 7:45 PM.

Sanilac County EDC representative Dale Benish gave background on the requested abatement for Llink Technologies. Llink representative Mr. Goulet also thanked the city for the past co-operation with Llink and updated council on their current progress.

Mayor Carpenter closed the Public Hearing at 7:50 P.M.

Moved by Lukacs, second by Lee to accept Resolution 04-15 a resolution approving the AFT Application for Llink Technologies, LLC. ROLL CALL VOTE: Lee-Yes, Jacobson-Yes, Navock-Yes, Potts-Yes, Lukacs-Yes. 5-Yes, 0-No, 1-absent, 0-Abstain. Motion carried.

Moved by Lukacs, second by Navock to accept Resolution 04-16 a resolution approving the IFT application for Llink Technologies, LLC. ROLL CALL VOTE: Lee-Yes, Jacobson-Yes, Novack-Yes, Potts-Yes, Lukacs-Yes. 5-Yes, 0-No, 1-absent, 0-abstain. Motion carried.

Moved by Lukacs, second by Jacobson to accept the agreement letter with Llink Technologies, LLC and City of Brown City subject to approval by the city attorney. ROLL CALL VOTE: Lee-Yes, Jacobson-Yes, Navock-Yes, Potts-Yes, Lukacs-Yes. 5-Yes, 0-No, 1-absent, 0-abstain. Motion carried.

PETITIONS AND COMMUNICATIONS:

A. Construction Permit:

1. Gerald Kosal, 4235 Vine Street – Request approval to build a 6' x 30' addition to the front porch.

Moved by Potts, second by Novack to table pre-application building permit from Gerald Kosal until proper measurements and drawings for the porch addition can be provided. Motion carried.

Moved by Potts, second by Jacobson to schedule a Variance Request for Mr. Gary Abel, 4094 3rd Street August 9, 2004 at 7:15 P.M due to a setback dispute. Motion carried.

COMMITTEE REPORTS:

Police:

Moved by Jacobson, second by Navock **“to support City Manager’s decision”** to hire Trisha Vogel as a part time officer to replace Ryan Miller and Jeremy Howe. Motion carried. **Correction per 8/9/04 meeting.**

Discussion regarding the replacement of the old police cruiser. Discussion also involving the option of leasing a replacement cruiser. Issue will be turned over to the police committee for further discussion.

Water & Sewer:

Water and sewer committee meeting scheduled for August 4, 2004 at 7:00 P.M.

Tax & Finance: None

Streets & Sidewalks: None

Buildings & Grounds: None

Personnel:

Advertisements for City Manager's position have been in local papers.

Presently three (3) applications for the City Manager's position have been received.

Discussion regarding the interim City Manager's position. Lee questioned whether Lukacs would be willing to abstain from voting in situations that were a conflict of interest to him. Lukacs agreed to abstain when necessary if he were to continue as the interim City Manager.

Moved by Jacobson, second by Potts to allow Councilman Frank Lukacs to continue acting as the interim City Manager **delete** "until the position is filled permanently." ROLL CALL VOTE: Lee-Yes, Jacobson- Yes, Navock- Yes, Potts- Yes, Lukacs- abstain. 4-yes, 0- no, 1-abstain, 1-absent. Motion carried.

Correction per 8/9/04 meeting

Brown City Days: None

Clerk's Report:

Moved by Lee, second by Potts that the City Library be closed on August 3, 2004 for the primary election to be held. Motion carried.

Moved by Lee, second by Navock to appoint Kathleen Loutzenhizer, Betty Spencer, Pat Hahnefeld, Richard Williams Sr., Richard Baysdell, Paula Baysdell, Ruth Ann Hayward, Helen Lints and David R. VanCura as election inspectors for the August 3, 2004 primary election with Kathleen Loutzenhizer acting as chairperson. Motion carried.

Attorney Report:

Work is currently continuing on the loan to purchase east side of the renaissance zone. The USDA has been contacted and a closing date is being scheduled.

City failed to meet one requirement for the MEDC grant for Llink Technologies, which was paying fair market value of the property purchased. Attorney has spoken with Mr. Keith Muxlow about the possibility of he and Mr. Kohler waving the additional monies owed by the city to reach fair market value. Mr. Muxlow will contact City Attorney after he has spoken to Mr. Kohler but was confident that these monies would be waived and viewed as a gift to the city.

City Attorney will submit a legal **insert “written”** response regarding compensation to Frank Lukacs, interim City Manager. **Correction per 8/9/04 meeting.**

MML has contacted City Attorney to make their assistance available in the search for a City Manager if the council so chooses.

Moved by Lukacs, second by Potts to accept Resolution 04-17, which is a resolution of the City of Brown City regarding the former City Manager. **ROLL CALL VOTE:** Lee-Yes, Jacobson- Yes, Navock- Yes, Potts- Yes, Lukacs – Yes. 5-Yes, 0- No, 1-Absent, 0- abstain. Motion carried.

Attorney stated that any further city residents who contact him regarding city issues would be referred to the interim City Manager.

INTERIM CITY MANAGER’S REPORT:

Tree removal at 4085 Main Street needs to be completed. Council requested that bids be sought for this project.

Park Board has asked that DPW workers consider **insert “donating”** hours before billing the City Park for repairs up to \$100.00. Issue was tabled for further research. **Correction per 8/9/04 meeting.**

Moved by Navock, second by Potts to waive any FOIA costs to area papers for recent information requested involving the resignation of former City Manager Darcy Long. Motion carried.

The no parking sign on Autumn Gold is no longer necessary, this situation seems to be taken care of according to citizen.

Paper work regarding grant monies and DEQ monies need to be completed and discussed with Tax and Finance Committee.

Tax and Finance Committee meeting scheduled for August 2, 2004 at 7:00 P.M.

City building next-door needs to have the awning propped up due to the fact that it is sagging and could create a dangerous situation.

Letter was received from a **delete “Wells Street resident” insert “former city resident”** regarding land locked property on the end of Wells Street. **Corrections per 8/9/04 meeting.**

MAYOR’S REPORT:

Thank you to Christine Lee and Kelly Pavel for filling vacant council and clerk seats.

GENERAL COUNCIL CONCERNS:

Weeds on Maple Valley in front of the City dump need to be cut.

Start dates of paving need to be determined. Lukacs will speak with DPW Supervisor Kinney.

An extension is being sought regarding the Bullock property trial.

DPW reports need to be submitted for each council meeting.

Attorney Garno thanked council on behalf of Attorney Rickard for flowers, which were received during the passing of Mrs. Rickard.

City Attorney Garno will be on vacation from August 2-6, 2004, Attorney Rickard will be available in his absence.

MEDC grant payment request papers need to be signed by the Mayor.

Moved by Jacobson, second by Navock to adjourn at 8:52 P.M. Motion carried.

Respectfully Submitted,

Kelly Jo Pavel
City Clerk